

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

APPLE OF HIS EYE, INC., )  
STEVE COHEN, in his individual )  
capacity, and ALAN )  
BUTTERWORTH, in his )  
individual capacity, )  
 )  
Plaintiffs, )  
vs. )  
 )  
CITY OF ST. LOUIS, MISSOURI, )  
a political subdivision )  
of the state of Missouri, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Case No. : \_\_\_\_\_

**ORDER GRANTING PLAINTIFFS' MOTION TO WAIVE POSTING A SECURITY  
BOND TO OBTAIN A PRELIMINARY INJUNCTION**

THIS MATTER, having come before this Court upon Plaintiffs' Motion to Waive Posting a Security Bond to Obtain a Preliminary Injunction, and being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** that:

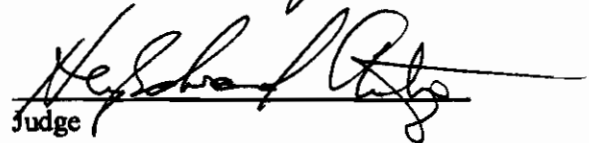
**Findings and Adjudication:**

1. The facts set forth in this Order are supported by Plaintiffs' Motion to Waive Posting a Security Bond to Obtain a Preliminary Injunction.

2. The Plaintiffs have moved this Court for a Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65.
3. Pursuant to Federal Rule of Civil Procedure 65(c), this Court has the discretion to determine the necessity of posting security and the amount thereof.
4. In this instance, the Plaintiffs are receiving *pro bono* representation to uphold their constitutional rights and the posting of security would work an undue hardship upon the Plaintiffs.
5. Plaintiffs do not have the financial means to post a security in order to protect the constitutional freedoms at jeopardy in this action.
6. Requiring the Plaintiffs to post security prior to obtaining a Preliminary Injunction would effectively deny the Plaintiffs access to judicial review for the deprivation of their constitutional rights.
7. The public interest would best be served by waiving the requirement that the Plaintiffs post security and minimal harm, if any, would result to the Defendant by the imposition of the Preliminary Injunction.

FOR THE FORGOING REASONS, Plaintiffs' Motion to Waive Posting a Security Bond to Obtain a Preliminary Injunction is hereby **GRANTED**;

**DONE and ORDERED** in chambers, this 14<sup>th</sup> day of May, 2008.

  
Judge